

SERVICE DATE - AUGUST 15, 2001

SURFACE TRANSPORTATION BOARD

DECISION AND AMENDED NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

STB Docket No. AB-303 (Sub-No. 21X)

WISCONSIN CENTRAL LTD.--ABANDONMENT EXEMPTION--  
IN MARQUETTE COUNTY, MI

Decided: August 10, 2001

Wisconsin Central Ltd. (WCL) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments to abandon an approximately 8.84-mile line of railroad between milepost 154 and milepost 162.84 in Marquette County, MI. Notice of the exemption was served and published in the Federal Register on October 13, 2000 (65 FR 61020-21). On November 14, 2000, a decision and notice of interim trail use or abandonment (NITU) was served, that reopened the proceeding and authorized a 180-day period for the Michigan Department of Natural Resources (MDNR) to negotiate an interim trail use/rail banking agreement with WCL for the portion of the right-of-way between milepost 156.57 and milepost 162.84.<sup>1</sup> By decision served May 11, 2001, the negotiating period under the NITU was extended to November 9, 2001, for the portion of the right-of-way between milepost 156.57 to milepost 160.12.

By letter filed July 30, 2001, MDNR requests that the NITU include the segment of the rail line from milepost 156.56 to milepost 156.57. MDNR states that it is extending its original statement of willingness to assume financial responsibility to include the additional short segment, which includes a bridge over a major highway. On July 30, 2001, WCL indicated that it has no objection to the modification of the NITU to include the segment of rail line from

---

<sup>1</sup> The November 14 decision also imposed environmental conditions that required WCL to: (a) consult with the National Geodetic Survey (NGS) and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic markers; (b) before beginning any salvage activities, submit to the Board's Section of Environmental Analysis (SEA) for review and approval a detailed track salvage work plan that describes WCL's proposed salvage of the right-of-way and addresses in detail the concerns of the U.S. Environmental Protection Agency-Region 5 (EPA) regarding salvage and clean-up of the right-of-way (upon its approval of the track salvage work plan, SEA will notify EPA); and (c) consult with the Michigan Department of Environmental Quality, Land and Management Division, prior to conducting any salvage operations. The EPA condition was removed in a decision served on June 7, 2001. The November 14 decision also imposed a 180-day public use condition for the entire line between milepost 154 and milepost 162.84. The public use condition expired on May 13, 2001.

milepost 156.56 to milepost 156.57.<sup>2</sup> The request to modify the NITU to include the portion of the line from milepost 156.56 to milepost 156.57 is granted.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The NITU in this proceeding is amended to the extent necessary to implement interim trail use/rail banking for the portion of the right-of-way from milepost 156.56 to milepost 156.57, so that the negotiating period under the NITU now extends to November 9, 2001, for the portion of the line between milepost 156.56 and milepost 160.12.

2. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary

---

<sup>2</sup> By letter filed May 30, 2001, WCL notified the Board that it had consummated the abandonment of the line between milepost 160.12 and milepost 162.84, effective May 14, 2001. By letter filed July 25, 2001, WCL stated that it had consummated the abandonment of the line between milepost 154 and milepost 156.56, effective July 12, 2001.